

RESTORATION OF CERTAIN INDUSTRIAL PROPERTY RIGHTS AFFECTED BY WORLD WAR II

Agreement signed at Washington April 4, 1947

Entered into force November 10, 1947

*Supplemented by agreement of October 28, 1947*¹

61 Stat. 3316; Treaties and Other
International Acts Series 1667

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE CONCERNING THE RESTORATION OF CERTAIN INDUSTRIAL PROPERTY RIGHTS AFFECTED BY WORLD WAR II

The Government of the United States of America and the Government of the French Republic,

Being desirous of remedying the effects on industrial property rights of their nationals resulting from World War II by concluding an agreement for extending the rights of priority in patent matters and the times for taking action with respect to patents and patent applications, and related matters, Have agreed as follows:

ARTICLE I

The periods of priority provided by Article 4 of the Convention of Union of Paris for the Protection of Industrial Property, last revised at London on June 2, 1934,² and by the laws of the respective countries in accordance therewith, for the filing of applications for patents or designs and models, which had not expired on September 8, 1939, and those which have arisen since that date, are extended by each of the countries, in favor of the nationals of the other country, until August 7, 1947.

Documents required for support of a claim of priority may be filed before the expiration of six months from the date of filing of the application.

Patents already issued without a claim for priority shall benefit from the provisions of the first paragraph of this Article on the condition that the request for priority and the required documents be filed by August 7, 1947.

¹ TIAS 1725, *post*, p. 1222.

² TS 941, *ante*, vol. 3, p. 228.

ARTICLE II

Applications for patents or designs and models in one of the countries by nationals of the other country, considered as abandoned or forfeited since September 8, 1939, are restored, and the time for the payment of any fee, or the taking of any action or the accomplishment of any formality prescribed by the laws of each country with respect to applications for patents or designs and models which had not expired on September 8, 1939, or which arose after that date, is extended to August 7, 1947, without additional tax.

ARTICLE III

Patents or designs and models obtained pursuant to the present Agreement shall not affect the right of third parties, or their agents or successors in business, who, before August 8, 1946, or before the date of the restoration of an application under Article II, have in good faith begun the working of an invention, design, or model, to continue such working, or the right of those bona fide in possession of patents and applications for patents, designs, or models, or their agents or licensees before August 8, 1946, to use the inventions covered by such patents or applications for patents or designs and models.

ARTICLE IV

The duration of patents obtained pursuant to the present Agreement by nationals of each of the two countries shall not exceed twenty years from the day of the first application filed. The dates on which annual taxes are due under the laws of France shall remain unchanged.

Nothing in the present Agreement shall be construed to extend the time for filing requests for extensions of the duration of patents authorized by the French law concerning exceptional extension of the duration of patents on account of the war.

ARTICLE V

Nationals of the United States of America may pay up to August 7, 1947:

1. those annual taxes for patents which could have been paid on September 8, 1939, accompanied by any additional delay fee due on that date, and
2. the annual taxes due since September 8, 1939, without any additional delay fees, and in such cases the payments will be considered as having been made in time.

ARTICLE VI

The period between September 8, 1939 and the date of the coming into force of the present Agreement shall not be taken into account in the term provided for the working of a patent.

ARTICLE VII

In no case shall the present Agreement invalidate a judicial decision regarding the validity of a patent rendered prior to the date of the coming into force of the present Agreement.

ARTICLE VIII

Trade-mark registrations in one of the countries, of the nationals of the other country, which have expired since September 8, 1939, may be renewed before June 30, 1948, and such renewals shall have retroactive effect to the date of the expiration of the normal term of the expired registrations.

ARTICLE IX

The rights granted by the present Agreement to nationals of the United States of America shall also be granted to French nationals residing in the United States of America.

Each Government shall deliver to the other Government a notice that it has accepted the present Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all its obligations under the present Agreement.

The present Agreement shall come into force on the day the said notices are delivered by each Government to the other. If the said notices are delivered on different days, the Agreement shall come into force on the day of the delivery of the notice later^{*} in time.

Done in duplicate, at Washington, in the English and French languages, each equally authentic, on April 4, 1947.

For the United States of America:
DEAN ACHESON

For the French Republic:
H. BONNET

^{*} By note no. 254 dated July 21, 1947, received in the Department of State July 22, 1947, the French Embassy in Washington notified the Department of State of the approval of this agreement by the French Parliament. By a memorandum dated Nov. 10, 1947, delivered on that date, the Department of State notified the French Embassy in Washington of the acceptance of this agreement by the Government of the United States of America.